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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) CASE NO. Cr. S 04-372 JAM
12)
Plaintiff,) STIPULATION AND ORDER TO CONTINUE
13) HEARING RE: DEFENDANT'S MOTION FOR
v.) REDUCTION OF SENTENCE
14)
GARY DEWAYNE McWHORTER,) Date: Tuesday, January 3, 2012
15) Time: 9:30 a.m.
Defendant.) Judge: Hon. JOHN A. MENDEZ
16)

17 The United States of America, through its counsels of record,
18 Benjamin B. Wagner, United States Attorney for the Eastern District
19 of California, and Paul Hemesath, Assistant United States Attorney;
20 and defendant Gary Dewayne McWhorter, through his counsel, David
21 Porter, Esq., hereby stipulate and agree that the hearing regarding
22 defendant's motion to reduce sentence, set for January 3, 2012, at
23 9:30 a.m. should be continued to January 31, 2012, at 9:30 a.m.

24 The parties are stipulating to continue the hearing to
25 accommodate the schedules of counsel and to conduct further research
26 that may assist the Court in properly deciding the case.

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1 Respectfully submitted,

2 BENJAMIN B. WAGNER
3 United States Attorney

4 DATED: December 30, 2011

By: /s/ Paul A. Hemesath
5 PAUL A. HEMESATH
6 Assistant U.S. Attorney

7 DATED: December 30, 2011

By: /s/ David Porter
8 DAVID PORTER for defendant
9 GARY DEWAYNE McWHORTER
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ORDER

For the reasons set forth above, it is hereby ordered that the hearing set for January 3, 2012, be continued to 9:30 a.m., on January 31, 2012.

DATED: 1/3/2012

/s/ John A. Mendez
HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE